

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34115 of 2015

Arising Out of PS.Case No. -84 Year- 2015 Thana -BARACHATTI District- GAYA

- =====
1. Zainab Begum @ Zainab Khatoon W/o Yunus Ansari
2. Md. Sonouwar Ansari S/o Yunus Ansari All Resident of village -
Hemjapur, P.S. Mohanpur, Distt. - Gaya

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Sharma

For the Opposite Party/s : Mr. Anusaiya Jaiswal(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

4 23-11-2015 Heard the learned counsel for the petitioners, the
learned A.P.P as also the learned counsel for the Informant.

The petitioners seek bail in a case for the offences
punishable under sections 364 and 120 (B) of the I.P.C

Allegedly, Vicky Kumar @ Dhiraj Kumar, the son of
the informant having love affair with Ashiya @ Gulshan Parween,
was called by her and in conspiracy he was made traceless and
later on his dead body was recovered. During investigation Ashiya
@ Gulshan Parween confessed her guilt stating the names of the
petitioners regarding their involvement in committing murder of
Vicky Kumar @ Dhiraj Kumar and on the basis of confessional
statement dead body was also recovered.



Submission is of false implication and that besides suspicion and confessional statement of co-accused there is nothing against the petitioners. No one has seen the petitioners committing the crime or throwing the dead body. The petitioners are suffering in custody since 08.03.2015 having no criminal antecedents. Two Co-accused Md. Adil Ansari and Md. Sikandar @ Md. Sikarndar have already been allowed bail vide Cr. Misc. No. 42349 of 2015 by order dated 16.10.2015 by another coordinate Bench of this Court.

The learned A.P.P. duly assisted by the learned counsel for the informant opposes prayer for bail by submitting that the names of the petitioners have been taken in the confessional statement of co-accused Ashiya @ Gulshan Parween leading to recovery of the dead body and the postmortem report also corroborates the same.

In the facts and circumstances as stated above, considering that besides the confessional statement of co-accused there is no other eye witness of the occurrence and as such considering custody of the petitioners and further that charged sheet has already been submitted, now the petitioners are directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to

the satisfaction of Sri Narendra Prasad Singh, J.M. 1st Class, Sherghati, Gaya in Barachatti (Mohanpur) P.S. Case No. 84 of 2015/ G.R. No. 276 of 2015, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioners shall remain present on each and every date during trial and the default on two consecutive dates on their part without any reason shall disentitle the petitioners from privilege of bail.

(Jitendra Mohan Sharma, J)

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